

The Board's Bulletin



News and Information

Alabama Board of Licensure for Professional Engineers & Land Surveyors

December 2002

From the Board Chair -

Preston L. Jackson, P.E.



What is the Practice of Engineering and when are engineers required to stamp drawings and documents? I've heard these two questions many times and don't expect it to end anytime soon. Without trying to reinvent the wheel there is no better way to answer these two concerns than look at what is outlined in the Alabama Licensure Law and Administrative Code. These are the laws we must comply with as engineers.

Before I get into reviewing this, I suggest that each Professional Engineer and Land Surveyor make use of the Board of Licensure web site by adding the following URL address as one of your internet explorer favorites: <http://www.bels.state.al.us/>. You will find current information about the activities in the Board of Licensure Office and updated changes that become new laws. In the event you don't have a copy of the Alabama Licensure Law and Administrative Code, it is available for you on the web site.

What is the Practice of Engineering? Section 34-11-1 Definitions Paragraph (7) provides the answer as follows:

"Any professional service of creative work, the adequate performance of which requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to such services or creative work as consultation, testimony, investigation, evaluation, planning, design and design coordination of engineering works and systems, planning the use of land and water, performing engineering surveys and studies, and the review of construction or other design products for the purpose of monitoring compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products; equipment of a control, communications, computer, mechanical, electrical, hydraulic, pneumatic, or thermal nature, insofar as they involve safeguarding life, health, or property; and including other professional services necessary to the planning, progress, and completion of any engineering services."

Do you have an official Seal? You must do this before you can comply with the answer to the next question. Here is what

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From the Board Chair... *(continued from page 1)*

the Law says in The Administrative Code. Section 330-X-11-02 paragraph (1) states the following: Upon approval of licensure by the Board, licensees will be advised that they should secure an official seal, which shall be applied to all drawings, specifications, reports, and other engineering or land surveying documents prepared by or under the direct control and personal supervision of the licensees.

The second question that continues to trouble many can also be answered from the Administrative Code in Section 330-X-11-.04. When should the engineer's Seal, Signature, and Date on Certification shall be applied? Please read the answer as derived from the Administrative Code Section 330-X-11-.04:

- "(1)The term "Certification" as used herein shall be as set forth in Rule 330-X-2.01(8).
- (2) When an engineer or a land surveyor is presented with a Certification to be signed, sealed, and dated, he or she should carefully evaluate that Certification to determine if any of the circumstances set forth in sub-section (3) below would apply.
- (3) Engineers or land surveyors who sign, seal, and date Certifications which: (a) relate to matters which are beyond the engineer's or land surveyor's technical competence, or (b) involve matters which are beyond the engineer's and land surveyor's scope of services actually provided, or (c) relate to matters which were not prepared under the engineer's or land surveyor's responsible supervision, direction, or control are sub-

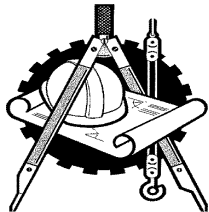
ject to discipline pursuant to Rules 330-X-14.05(h) and 330-X-16.

- (4) If any of these circumstances set forth in sub-section (3) above would apply, that engineer or land surveyor shall either: (a) modify such Certification to limit its scope to those matters which the engineer or land surveyor can properly sign, seal, and date, or (b) decline to sign, seal, and date such Certification."

I hope by providing the above references it will make it easier to understand that these steps are necessary for engineers to make Certification a standard practice. Certification is an important part of the process required by the Alabama Licensure Law and Administrative Code. I challenge you to look more in the Administrative Code in Section 330-X-2-.01 (8) for the proper meaning of Certification as it is spelled out under the Definition of Terms.

It is important to note that in the near future the Board of Licensure is planning to request Legislative action to allow for use of electronic stamping and signatures with electronic documents. The specifics of the new procedures will be outlined in the Law and Administrative Code on the web site when it becomes law.

The Board has seen an increase in complaints received regarding plan stamping. The Board considers the participation in plan stamping a serious offense. Please see the articles "The Board's View" and "Disciplinary Action" for further information.



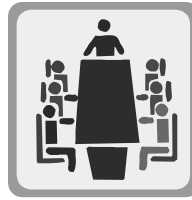
WHO CAN PERFORM RIGHT-OF-WAY OR EASEMENT SURVEYS

In recent years there have been discussions among professional ENGINEERS AND LAND SURVEYORS as to who is allowed to survey right-of-ways or easements. The discussions have centered on the responsibilities of each professional concerning establishing a right-of-way for the purpose of layout and construction and the survey required for making a tie and conveyance of the property to the PUBLIC LAND SYSTEM.

The licensure law for locating, relocating, establishing, reestablishing, layout or retracing any road, right-of-way, easement or alignment relative to the centerline of the project may be done by either a PROFESSIONAL ENGINEER OR PROFESSIONAL LAND SURVEYOR. This work includes establishing a right-of-way or easement by measuring left or right of the centerline stationing of the project, and placing NON-PERMANENT markers to establish the boundaries of a right-of-way or easement, and setting of monuments only related to the centerline description not tied to the public land system.

A PROFESSIONAL LAND SURVEYOR is the only professional approved to do surveys to set permanent markers along the right-of-ways or easements that are tied to the public land system. (Administrative Code Sections 330-X-9-.03(a)(7) and 330-X-9-.03(c)(11).

The Board's View



Plan Stamping:

“Plan Stamping” is a term used when an engineer or land surveyor seals and signs a plan or document which was not prepared by the licensee or under his/her direct control and personal supervision. The Board has received a number of complaints for “Plan Stamping”, and the licensed individuals have been disciplined by suspension, revocation, or probation of their license and fines. The work performed with these cases is usually found to be incompetent. The Board's view is that “Plan Stamping” allows incompetent work and does not protect the public. The rules defining who may seal plans and documents are presented in the Administrative Code rule 330-X-11-.03.

Competent Work:

The work product that is sealed and signed by a licensed engineer or land surveyor should be complete and correct. The Administrative Code rule (330-S-14-.03) states “The engineer or land surveyor shall act competently and use proper care in performing engineering and land surveying services for clients or employers and shall act only in fields in which qualified by education or experience”. Rule 330-X-14-.05 (g) states “The engineer or land surveyor shall perform his or her work in accordance with approved standards of practice. This performance also includes being guided by current Engineering and Land Surveying Society Codes, Standards, and recommended guidelines which set forth standards generally accepted in the professions...” Rule 330-X-14.05(i) states “The engineer or land surveyor shall be completely objective, truthful, and shall include all relevant and pertinent information in all professional reports, statements or testimony.” The Board's view is that a work product presented to a client or building official which is not complete and correct should not be sealed and signed. It should be identified as “Preliminary” or “Draft”.

Responsible Supervision, Direction and Control:

Rule 330-x-11-.03(1) of the Administrative Code states “The seal, signature, and date of signature on a document signify that the document was prepared by the licensee or under his or her direct control and personal supervision, or that the licensee has reviewed the document in sufficient depth to fully coordinate and assume responsibility for documents prepared by another licensed professional engineer or licensed professional land surveyor.”

The Board's view is that the required personal supervision, direction and control of the work by the licensee will vary with the individuals and specific situations. Generally, the licensee should provide supervision and direction to the non-licensee performing the work by reviewing concepts, checking calculations, and thoroughly reviewing all drawings and /or reports prepared by the non-licensee. The supervision, direction and reviews should be made to the extent required for the licensee to ascertain that the work by the non-licensee is correct and as if it had been performed by the licensee. When the licensee signs his or her name to the document, the licensee assumes total responsibility for the work.

Procurement of Work:

The Board has set forth Rules of Professional Conduct (Code of Ethics), Administrative Code rules 330-X-14-.05 (a), (b), (c), (d), and (f), that cover the work procurement practices of engineers and land surveyors. These rules generally state the following:

- (a) The engineer or land surveyor shall not offer, or promise to pay or deliver, directly or indirectly, any

(continued on page 4)

The Board View... *(continued from page 3)*

commission, political contribution, gift, favor, gratuity, benefit or reward as an inducement to secure any specific professional engineering or professional land surveying work or assignment.

- (b) The engineer or land surveyor shall not solicit professional employment by self-laudatory advertising, or in any manner contrary to high professional standards.
- (c) The engineer or land surveyor shall not make or publish any representation or statement concerning his or her professional qualifications which is in anyway misleading or tends to mislead the public concerning his or her engineering or land surveying education, experience, specializations or other qualifications.
- (d) The engineer or land surveyor shall not supplant, nor attempt to supplant, directly or indirectly, another engineer or land surveyor in a ongoing engineering or land surveying project, after contracts have been awarded to such other engineers or land surveyors.
- (f) The engineer or land surveyor shall not participate in procurement practices (bid submittals) which do not first determine the qualifications of the engineer or land surveyor prior to entering into fee negotiations for services being sought. An engineer or land surveyor having submitted a statement of qualification and performance data, and having first been judged as the qualified individual or firm to provide the services required for the proposed project, may proceed to negotiate a contract with a client and establish compensation or fees for the required services.

Should the engineer or land surveyor be unable to negotiate a satisfactory contract with the client for any reason, the engineer or land surveyor shall withdraw from further consideration for the engineering or land surveying services. Another engineer or land surveyor may then be selected for negotiations of a contract for the services on the stated project.

It is the Board's view that these rules for work procurement practices promote the high quality and ethical practice of engineering and surveying that will protect the public.

Do You Know When Your License Expires?

Alabama licenses expire annually on **December 31st**. Renewal notices were sent in October. If you haven't received yours, or it has been misplaced, contact the board office to have a duplicate renewal form issued.

If you do not renew your license by December 31, you are no longer allowed to offer or perform engineering/land surveying services in Alabama since your license is in a lapsed status. Many individuals are under a misconception that there is a "grace period" for renewing. There are no provisions for a grace period in which you can continue to practice without having a current license. A lapsed license can be reinstated into active status by updating your continuation education and paying a reinstatement fee. Again, you **CANNOT** practice on a lapsed license.

The corporate Certificate of Authorization renewal notices were sent in November. Deadline for renewing the CA's is January 31, 2003.

As a professional, it is your responsibility to know the status of your license.

Year 2003 Board Meeting Dates

<i>January 28-29, 2003</i>	<i>July 25, 2003</i>
<i>February 19-20, 2002</i>	<i>September 26, 2003</i>
<i>April 22, 2003</i>	<i>November 14, 2003</i>
<i>May 30, 2003</i>	



Office Holiday Closings

The Board office will be closed December 25th, 26th, 27th, and 31st and January 1st in observance of the holidays. It will reopen at the normal hours on January 2nd.

Disciplinary Action

The Board office receives and processes complaints regarding engineering and land surveying activities. Eight investigations were conducted which resulted in administrative actions which are not considered disciplinary actions and are not listed in the below disciplinary actions. Administrative actions include closing unsubstantiated complaints, letters of warning, and cease and desist letters. Below is a recap of disciplinary actions from October 2001 through October 2002.

Formal Disciplinary Actions

Incompetency

Albert F. Pruett, PE 4607, Mobile, AL, agreed to a consent order for errors, omissions, and code violations that were in the 10 pages of interior design and structural plans for a metal building workshop he had certified. Mr. Pruett paid a \$1,000 fine and agreed to a two-year stayed suspension with two years probation. It was also agreed that the Board of Licensure would notify the property owners and the appropriate building officials of the design deficiencies.

Plan Stamping

Roy H. Moore, PLS 1858, West Blockton, AL, was found guilty at a formal hearing of allowing a non-licensee to sign Mr. Moore's signature and placing his seal on a number of survey plats. Mr. Moore's license to practice land surveying was revoked and he was fined \$400 for every guilty count for a total of \$2,800.

Grady Gilbert, PE 1846, Dalton, GA, agreed to a consent order for action taken by the State of Tennessee to revoke his TN license for plan stamping and competency issues. Mr. Gilbert's Alabama PE license was revoked.

Not Being in Responsible Charge

Myles M. Standish, PE 6358, Lillian, AL, agreed to a consent order for not being in responsible charge of a draftsman who designed plans for an athletic field house. The civil, mechanical and plumbing plans Mr. Standish certified contained numerous errors, omissions, and code violations. Mr. Standish paid a \$1,500 fine and agreed to a two-year stayed suspension of his license with a two-year probation.

Homer H. Montague, PE 3338, Pleasant Grove, AL, agreed to a consent order for not being in responsible charge of the draftsman who had designed plans for a renovation of a house to make it into a day care center. The plans Mr. Montague certified contained numerous errors, omissions, and code violations. Mr. Montague paid a \$500 fine and agreed to a two-year stayed suspension with two-year probation.

Walter W. Wickstrom, Jr. PE/PLS 18259, Birmingham, AL, agreed to a consent order for sealing plans for a medical office addition that were not drawn by him or under his

personal supervision. The plans Mr. Wickstrom sealed contained numerous errors, omissions, and code violations. Mr. Wickstrom paid a \$500 fine and agreed to a two-year stayed suspension of his engineering license with two years probation.

J. B. McPherson, Jr., PE/LS 5098, Eufaula, AL, agreed to a consent order for not being in responsible charge of the draftsman who drew the plans for a skate center. The plans Mr. McPhearson sealed contained numerous errors, omissions, and code violations. Mr. McPhearson paid a \$1,000 fine and agreed to a two-year stayed suspension with two years probation. It was also agreed that the Board of Licensure would send the technical review findings to the appropriate building officials.

Ethics Violations

Jon Strength, PLS 21181, Birmingham, AL, agreed to a consent order for providing the wrong survey to the complainant which resulted in the loss of a court case. Mr. Strength reimbursed \$225, the cost of the survey to the client.

Tony Ford, PLS 20353, Anniston, AL, agreed to a consent order for accepting a retainer but failing to complete the survey or returning the retainer. Mr. Ford agreed to repay the client \$100 within 30 days after the signing of the final order, pay a \$1,000 fine, a one-year stayed suspension and a one-year probation. He also agreed that failure to reimburse the client within the 30 days would result in the immediate suspension of his license for one year.

John Hendricks, PE 7937, Decatur, AL, agreed to a consent order for presenting a dishonored check for licensure renewal. Mr. Hendricks paid a \$500 fine, and agreed that his license was suspended until such time as the fine and \$74 (renewal and service charge) was paid.

Michael Petty, PLS 17511, Searcy, AL, agreed to a consent order for actions originally taken by the Kentucky Board which resulted in Mr. Petty surrendering his KY license to avoid disciplinary action. He agreed to a one-year stayed suspension, a one-year probation, and submitting to the Board all surveys performed in Alabama for one year from the date of the final order.

Oscar Eugene Kay, PLS 24219, Gulf Shores, AL, agreed to a consent order for price listing land surveying services

Disciplinary Action... *(continued from page 5)*

and his un-certificated firm, Survey Concepts, Inc., providing land surveying services. Mr. Kay paid a \$1,500 fine and agreed to a six month stayed suspension of his license with six months probation.

Unlicensed Practice

R. C. Otterberg, Mobile, AL, agreed to a consent order for performing land surveying services without being licensed. He paid \$150 for the cost of the board action, repaid \$350 to the client, and agreed to cease and desist offering and/or performing land surveying until he should become licensed with the Board.

Robert Ballard, Atlanta, GA, agreed to a consent order for performing engineering services without being licensed. Mr. Ballard paid \$250 for the cost of the board action and agreed to cease and desist offering and/or performing engineering services until becoming licensed with this Board.

Dennis Mullane, McLeansville, NC, agreed to a consent order for providing design plans relative to site work that would be considered the practice of engineering without being licensed. He paid \$250 for the cost of the board action and agreed to cease and desist offering and/or performing engineering services until he becomes licensed with this Board.

Jason Sturdivant, PE/PLS 22782, Chatom, AL, agreed to a consent order for performing surveying prior to being licensed as a professional land surveyor. Mr. Sturdivant paid a \$1,500 fine and repaid the client \$1,400, the cost of the survey.

Rodney Ray, West Monroe, LA, agreed to a consent order for performing land surveying services without being licensed when he completed a survey for right-of-way acquisition of a proposed pipeline route in Alabama without being licensed. Mr. Ray paid a \$2,500 civil penalty, paid \$450 for the cost of the board investigation, and agreed to cease and desist offering and/or performing land surveying services until he becomes licensed with this Board.

Roger C. Landers, and Forensic Engineering Inc., Marietta, GA, agreed to a consent order for performing engineering relative to a fire inspection report without being licensed and the firm not having a certificate of authorization. Mr. Landers paid a \$1,000 civil penalty, paid \$475 for the cost of the board investigation, and agreed to cease and desist offering and/or performing engineering services until he becomes licensed and his company obtains a certificate of authorization.

No Certificate of Authorization

James W. Donnelly, PE 11425, and Association of Con-

sulting Engineers, Atlanta, GA, agreed to a consent order for offer engineering services without the firm being qualified with a certificate of authorization. Mr. Donnelly paid a \$500 fine, and agreed to a one-year stayed suspension of his license with a one-year probation. It was also agreed that the firm would not offer or perform engineering services in Alabama unless it is qualified with a certificate of authorization.

Herbert L. Norred, PE/PLS 9053, and Norred Engineering, Inc., Alexander City, AL, agreed to a consent order for offering and/or performing engineering and land surveying services without having certificate of authorizations. Mr. Norred paid a \$500 fine and agreed that the firm will not offer or perform engineering and land surveying services in Alabama unless it is qualified with certificates of authorization.

Courtney C. Busch and Busch & Associates, Inc., Gulf Shores, AL, agreed to a consent order for offering and performing engineering services without having a certificate of authorization. Mr. Busch paid a \$1,500 civil penalty and \$406 for the cost of board investigation. It was also agreed that the firm and Mr. Busch will cease and desist offering or performing engineering services until such time as Mr. Bush becomes licensed and the company becomes certified.

Standards of Practice Violations

Michael G. Moates, PLS 19262, Clanton, AL, agreed to a consent order for completing a survey for the complainant's neighbor that contained errors which resulted in a loss in money for the complainant. Mr. Moates paid a \$500 fine, and agreed to a one-year stayed suspension with a one-year probation. He also agreed to attend a Standards of Practice (SOP) course within 12 months from the date of the final order and to submit to the Board the first ten surveys completed after completion of the SOP course.

Huddie Dansby, PLS 9128, Bessemer, AL, agreed to a consent order for violating Minimum Technical Standards on surveys he completed for two clients. Mr. Dansby paid a \$500 fine and agreed to a six-month stayed suspension with six months probation. He also agreed to take a Standards of Practice course within six months.

Terry Tucker, PLS 13190, Carbon Hill, AL, agreed to a consent order for completing a survey which contained errors and failing to set the caps and pins. He paid a \$250 fine, repaid the client \$800, and agree to a one-year stayed suspension with a one-year probation.

W. B. Scott, PLS 7849, Prattville, AL, was found guilty at a formal hearing of severe negligence and a complete disregard for Minimum Technical Standards in regards to completed surveys. Mr. Scott's license was revoked.

Exam Corner



NCEES to Begin Exam Administration

Beginning with the April 2003 Examinations, the National Council of Examiners for Engineering and Surveying (NCEES) will be providing the exam administration services for Alabama. Due to the increased security requirements and liability issues, the Board felt that NCEES was better suited to provide these services. The Board would like to thank all those who have proctored the exams over the years.

Candidates will continue to send their exam fees to the board office. All admission cards and site information will be sent by NCEES to the exam candidates. Results will be sent from the board office. Some test sites may change but the exams will still be given in the same cities as before.

Changes to the Exam Fee Policies

The Board has approved a new fee schedule for exam candidates. The new fee schedule follows.

Fundamentals of Engineering
1st Time Taker \$60 Repeat \$90

Principles and Practice of Engineering \$150

Fundamentals of Land Surveying
1st Time Taker \$75 Repeat \$105

Principles and Practice of Surveying \$160
Alabama Standards of Practice \$50



Examination Develop- ment – **YOU CAN** MAKE A DIFFERENCE

The process for developing a new examination and the updating of existing examinations is a very in-depth process. One of the first activities done during examination development is a Professional Activities and Knowledge Study (PAKS). This study, also known as a job analysis, determines and prioritizes the activities and knowledges that are required of someone who is minimally competent to practice at the time of licensure or certification. The results of the PAKS are used to prepare new items and assemble future fundamentals examinations and principles and practice examinations.

As licensees, you can have a major influence on these PAKS. When the National Council of Examiners for Engineering and Surveying (NCEES) begins the PAKS process they canvass a wide diversity of licensees in that particular discipline. The better the response from those individuals practicing in the field, the better the analysis process will be. Currently, NCEES has two PAKS in various stages of completeness.

The Principles and Practice of Engineering Examination in Industrial Engineering will soon be updated to better reflect actual professional activities in current practice. The Industrial Engineers and NCEES have created a Web-based form that is being used to survey engineers about current areas of industrial engineering practice. Industrial engineers in all areas of practice may participate by going to <http://www.websurveyor.com/chauncey/g10>. The survey questions take 30 minutes or less to answer, and they do not have to be completed in one sitting. Data collected through the survey will be compiled and used to make recommendations for exam changes.

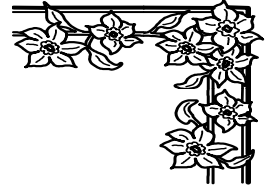
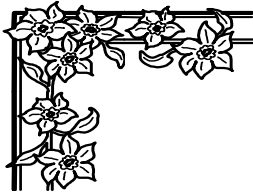
NCEES is in the initial efforts of developing a PAKS for surveyors. The kick-off meeting for the PAKS committee is in December. The actual distribution date and format for the PAKS is yet to be determined.

In the future, if you are asked to participate in a PAKS, please take the time to respond.

2003 Exam and Filing Dates*

Examination	Exam Date	Filing Deadline*	Examination	Exam Date	Filing Deadline*
Fundamentals of Engineering	Apr 12 Oct 25	Feb 8 Aug 25	Princs & Practice of Engineering	Apr 11 Oct 24	Feb 1 Aug 1
Fundamentals of Land Surveying	Apr 12 Oct 25	Feb 1 Aug 1	Princs & Practice of Land Surveying	Apr 11 Oct 24	Feb 1 Aug 1
Alabama Stand., History & Law	Feb 5 Apr 11	Jan 15 Feb 1	Alabama Stand., History & Law	Jul 23 Oct 24	May 31 Aug 1

*There is a proposal to change the deadline dates. Please monitor the web site for the new dates.



In Memory Of

The Board has received notice of the deaths of the following licensees:

Professional Engineer

William G. Echols, Jr.	2217
Norvelle E. Weekley	4289
Charles W. Kling, III	5704
Lawrence A. Hutchinson	5867
Raymond M. Warren, Jr.	5909
Irving J. Gross	5967
Joe L. Davis, Jr.	6609
Jack M. Chapman	7046
Stewart B. Tulloch, Jr.	7453
Lawrence J. Cave, Jr.	7545
Sam B. Hayley, Jr.	7832
James B. McKinley	8263
F. W. Breslyn, Jr.	8363
Raymond Fred Andrew	8860
Joseph S. Faircloth	9335
Charles Wayne Brand	9992
William F. Lenzer	10386
Merle Everett Smith, Jr.	10502
William J. Tangye	10994
Henry J. McGinnis	11628
Eugene Cecil Figg, Jr.	12179
Benjamin R. Walker	13549
Dennis Roy Mobley, Sr.	13730
Myrton Cook Rand	15272
Charles H. Causey, Jr.	15523

Harold Ray Sisk	16247
Raymond E. Kern, Jr.	19981
Timothy Wayne Muse	23287
Robert Eugene McDaniel	23696

Professional Land Surveyor

Clurin B. Reed, Jr.	1584
Frank W. Rowe	1965
Paul T. O'Hargan	9538
Richard O. Shackleford	9797
Narve Butler	10548
Walter H. Owens	10564
Lewis J. Parker	12489

Professional Engineer & Land Surveyor

Clay H. Dean	1151
William A. Blevins	1443
Thomas K. Peavy	1533
Thomas E. Brassell	2616
Eldridge H. Dabbs	4035

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